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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,078	12/15/2003	Ting Tao	KPG-5094US	3247
1333	7590 07/20/2007		EXAMINER	
EASTMAN KODAK COMPANY PATENT LEGAL STAFF			SHEWAREGED, BETELHEM	
343 STATE STREET ROCHESTER, NY 14650-2201			ART UNIT	PAPER NUMBER
			1774	
		•	MAIL DATE	DELIVERY MODE
			07/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	•				
	Application No.	Applicant(s)			
	10/736,078	TAO ET AL.			
Office Action Summary	Examiner	Art Unit			
	Betelhem Shewareged	1774			
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the	correspondence address			
· · · · · · · · · · · · · · · · · · ·		VO) 05 TUBER (05) 5 11			
A SHORTENED STATUTORY PERIOD FOR REPL' WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be will apply and will expire SIX (6) MONTHS from the application to become ABANDON	ON. timely filed om the mailing date of this communication. NED (35 U.S.C. § 133).			
Status	•				
1) Responsive to communication(s) filed on 20 A	pril 2007.	·			
2a) ☐ This action is FINAL . 2b) ☑ This					
3) Since this application is in condition for allowar	nce except for formal matters, p	rosecution as to the merits is			
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11,	453 O.G. 213.			
Disposition of Claims					
4)⊠ Claim(s) <u>1-20</u> is/are pending in the application.					
4a) Of the above claim(s) <u>11-20</u> is/are withdraw					
5) Claim(s) is/are allowed.					
6)⊠ Claim(s) <u>1-7</u> is/are rejected.					
7) Claim(s) 8-10 is/are objected to.					
8) Claim(s) are subject to restriction and/o	r election requirement.	•			
Application Papers	•				
9)☐ The specification is objected to by the Examine	ar.	•			
10) The drawing(s) filed on is/are: a) acc	•	Examiner			
Applicant may not request that any objection to the	, , , , , , , , , , , , , , , , , , , ,				
Replacement drawing sheet(s) including the correct	-,,	• • • • • • • • • • • • • • • • • • • •			
11)☐ The oath or declaration is objected to by the Ex		* *			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 1190	a)-(d) or (f)			
a) All b) Some * c) None of:	p	۵, (۵, ۵. (۱).			
1. Certified copies of the priority document	s have been received.				
2. Certified copies of the priority document		ation No			
3. Copies of the certified copies of the prior					
application from the International Bureau	u (PCT Rule 17.2(a)).	-			
* See the attached detailed Office action for a list	of the certified copies not receive	/ed.			
Attachment(s)					
1) Notice of References Cited (PTO-892)	4) Interview Summa				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	Paper No(s)/Mail	Date Patent Application			
Paper No(s)/Mail Date	6) Other:				

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DETAILED ACTION

Applicant's response filed on 04/20/2007 has been fully considered. The Double
Patenting rejections have been withdrawn in view Applicant's submission of the
Terminal Disclaimer.

2. Claims 1-20 are pending. Claims 11-20 are withdrawn from consideration as non-elected invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Lobo et al. (US 5,589,322).
- 5. Lobo discloses a composition of photographically useful materials (col. 1, line 18), wherein the composition comprises developing agents (col. 5, line 18), and a polyelectrolyte (col. 9, line 37). The polyelectrolyte comprising sulfate groups and a polymer backbone wherein said sulfate groups are attached to aryl groups that are pendent to the polymer backbone, to alkyl groups, or both to aryl groups that are pendent to the polymer backbone and to alkyl groups (see at least formulae I-IV,IX-XI, XIII-XV and XIX in col. 9.line 50 thru col. 12, line 39).

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lobo et al. (US 5,589,322) as applied to claims 1-3 above.
- 8. Lobo does not teach the amount of the hydroxyl group. The experimental modification of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller,* 105 USPQ 233. One of ordinary skill in the art would have been motivated to adjust the amount of the hydroxyl group in order to control the hydrophilic property of the polymer. A prima facie case of obviousness may be rebutted, however, where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good. *In re Boesch and Slaney,* 205 USPQ 215.

Allowable Subject Matter

9. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Lobo does not teach a sulfated co-polymer as recited in claims 8-10.

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Conclusion

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betelhem Shewareged whose telephone number is 571-272-1529. The examiner can normally be reached on MAX FLEX.

- 11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
- 12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BS

July 17, 2007.

ETELHEM SHEWAREGED PRIMARY EXAMINER